

04.03.2022
(S/L-18)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 403 of 2022

Ila Kiran
-Vs-
Sri Somnath Ghosh & Ors.

Mr. Sunil Brahamchari,
.... For the Petitioner.

The defendant no. 6 in a suit for permanent injunction is the petitioner of the present application under Article 227 of the Constitution of India which is directed against Order no. 7 dated November 18, 2021 passed by the 1st Court of learned Civil Judge (Junior Division), Sealdah, District 24-Parganas (South) in the said suit being Title Suit No. 447 of 2019.

The petitioner filed an application under Order VII Rule 11 of the Code of Civil Procedure for rejection of the plaint of the said suit on the ground that the plaintiff has no locus standi to file the said suit.

The learned Trial Judge by the order impugned has dismissed the said application.

The ground on which the rejection of plaint was sought for is not coming within the purview of Order VII Rule 11 of the Code.

Therefore, the learned Trial Judge has rightly dismissed the said application.

The order impugned does not call for any interference.

C.O. 403 of 2022 is dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)